

PLANNING COMMISSION MINUTES

June 25, 2003

CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Shannon Pogue, Vlad Voytilla, and Scott Winter. Planning Commissioner Dan Maks was excused.

Senior Planner John Osterberg, Associate Planner Liz Shotwell, Engineering Technician II Charlie Harrison, Utilities Engineer David Winship, Senior Program Manager Joe Gall, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He

asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

PUBLIC HEARINGS:

A. BEAVERTON CHRISTIAN CHURCH MASTER PLAN

1. **CU 2003-0005 – CONDITIONAL USE**
2. **DR 2003-0023 – TYPE 3 DESIGN REVIEW**
3. **TP 2003-0006 – TREE PLAN TWO**
4. **ADJ 2003-0002 – TYPE 3 MAJOR ADJUSTMENT**
5. **VAR 2003-0006 – FIR GROVE ELEMENTARY PARKING VARIANCE**

(Request for continuance to July 2, 2003)

The applicant requests approval of a Campus Master Plan for a phased development program at the Beaverton Christian Church. A Type 3 Conditional Use is requested for the long-term phased Master Plan for the church, including the expansion of the North Parking Lot and Fir Grove Parking Area. A Type 3 Design Review has been submitted for the approval of Phase 1 of the Master Plan, including the site design and layout approval of the North Parking Lot and Fir Grove Elementary Parking Area. A Tree Plan 2 is proposed for the removal of community and landscape trees. A Type 3 Major Adjustment is proposed for approval of an increase in the allowed height of the Family Life Center. A Type 3 Variance is proposed at the Fir Grove Elementary School site as the church proposes to increase the number of parking spaces at the school above the maximum number of parking spaces allowed by Section 60.30.10.5 of the City's Development Code.

Commissioner Johanson **MOVED** and Commissioner Pogue **SECOND-ED** a motion to approve the applicant's request to **CONTINUE** CU 2003-0005 – Beaverton Christian Church Master Plan Conditional Use, DR 2003-0023 – Beaverton Christian Church Master Plan Type 3 Design Review, TP 2003-0006 – Beaverton Christian Church Master Plan Tree Plan Two, ADJ 2003-0002 – Beaverton Christian Church Master Plan Type 3 Major Adjustment, and VAR 2003-0006 – Fir Grove Elementary Parking Variance to a date certain of July 2, 2003.

Motion **CARRIED**, unanimously.

B. CRESCENT HILL APARTMENTS III

1. **CPA 2003-0002 – COMPREHENSIVE PLAN AMENDMENT**
2. **ZMA 2003-0002 – ZONING MAP AMENDMENT**

(Request for continuance to July 2, 2003)

The applicant is proposing to change the current Comprehensive Plan Map and Zoning Map and Zoning Map designations applicable to a

1 portion of one property located east of the existing Crescent Hill
2 Apartments. The proposed Comprehensive Plan Map Amendment
3 (CPA) and Zoning Map Amendment (ZMA) is specific to the northern
4 portion of Tax Lot 300 found on Washington County Tax Assessor's
5 Map Number 1S1-13BC. Tax Lot 300 is currently designated
6 Neighborhood Residential – Standard Density (NR-SD) according to
7 the City Comprehensive Plan Land Use Map. The applicant,
8 Commerce Investment Incorporated, requests to change the northern
9 portion, or approximately 29,811 square feet of Tax Lot 300, from NR-
10 SD to Neighborhood Residential – Medium Density (NR-MD). Tax Lot
11 300 is currently zoned Urban Standard Density (R-7). The applicant
12 proposes to change the same northern portion of Tax Lot 300 from R-7
13 to Urban Medium Density (R-2). The proposed ZMA will increase the
14 allowed residential density on that portion of Tax Lot 300 from one
15 dwelling unit per 7,000 square feet of land, to one dwelling unit per
16 2,000 square feet of land. Comprehensive Plan Map and Zoning Map
17 designations for the southern portion of Tax Lot 300, at approximately
18 22,342 square feet, would remain as is.

19
20 Commissioner Pogue **MOVED** and Commissioner Voytilla **SECONDED**
21 a motion to approve the applicant's request to **CONTINUE** CPA 2003-
22 0002 – Crescent Hill Apartments III Comprehensive Plan Amendment
23 and ZMA 2003-0002 – Crescent Hill Apartments III Zoning Map
24 Amendment to a date certain of July 2, 2003.

25
26 Motion **CARRIED**, unanimously.

27
28 **C. CEDAR HILLS CROSSING MOVIE THEATER AND RETAIL**
29 **BUILDING**

- 30 1. **CU 2003-0006 – HOURS OF OPERATION CONDITIONAL USE**
31 2. **ADJ 2003-0006 – HEIGHT ADJUSTMENT**

32 The applicant requests Conditional and Major Adjustment approvals
33 for the subject site. The Conditional Use proposes to extend the
34 allowed hours of operation for the proposed theater and retail
35 buildings as well as the interior mall from 10:00 p.m. to 2:00 a.m. The
36 Major Adjustment proposes construction of the proposed theater
37 building above the maximum 35-foot height limit for the Community
38 Service (CS) zone.

39
40 Commissioners Voytilla, Winter, Johansen, Bliss, and Pogue, and
41 Chairman Barnard all indicated that they were familiar with the site
42 and had not had contact with any individual(s) with regard to these
43 applications.
44

1 Associate Planner Liz Shotwell presented the Staff Reports and briefly
2 described the two applications associated with the proposal to extend
3 the allowed hours of operation for the proposed theater and retail
4 buildings as well as the interior mall from 10:00 p.m. to 2:00 a.m., and
5 a Major Adjustment for the construction of the proposed theater
6 building above the maximum 35-foot height limit for the Community
7 Service (CS) zone. Concluding, she recommended approval of both
8 applications, subject to certain Conditions of Approval, and offered to
9 respond to questions.

10
11 Commissioner Bliss commended Ms. Shotwell for an excellent Staff
12 Report.

13
14 **APPLICANT:**

15
16 **MARK PERNICONI**, representing *CE John Company, Inc.*, introduced
17 Alisa Pyszka of *WRG Design Inc.*; Mark Feldman, a theater architect;
18 Stephanie Burns of *Century Cinemas*; Chris Breman of *Kittelson &*
19 *Associates, Inc.*; and Gary Rommel, architect for the retail building
20 and the site plan; and expressed appreciation to staff, particularly Ms.
21 Shotwell, for efforts on behalf of this proposal. He pointed out that the
22 applicant concurs with the Staff Reports and proposed Conditions of
23 Approval, adding that tonight's issues involve the hours of operation
24 and a Major Adjustment related to the height of the theater building.
25 Observing that he is very pleased to be working with *Century*
26 *Theaters*, he pointed out that they probably operate the best theaters
27 in the United States. He explained that this theater adds what he
28 referred to as an entertainment component to the uses that are already
29 occurring at the site, including several new restaurants and other
30 potential uses. He pointed out that while the entire project should be
31 completed prior to the Christmas shopping season, the new west face
32 would not be done at that time.

33
34 **ALISA PYSZKA**, representing *WRG Design, Inc.*, noted that she
35 intends to review the approval criteria for the Conditional Use. She
36 observed that the two main reasons for submitting an application for a
37 Conditional Use are that the expansion of hours from 10:00 p.m. until
38 2:00 a.m. would allow the theater to operate to the later shows while
39 also allowing the other supportive retail uses, specifically the
40 restaurants, to remain open to serve those customers taking advantage
41 of these late shows. She discussed the shared parking component,
42 observing that it is necessary to provide access between the two main
43 parking fields for the theater and the mall.
44

1 Ms. Pyszka discussed the applicable criteria for a Conditional Use, as
2 follows:

- 3
- 4 1. Meets applicable threshold criteria between 10:00 p.m. and 7:00
5 a.m. (the request is only for between 10:00 p.m. and 2:00 a.m.).
- 6 2. Provide applicable fees (achieved with the completeness of the
7 application).
- 8

9 Ms. Pyszka discussed criteria with regard to compliance with the
10 Comprehensive Plan, noting that three chapters pertain to this specific
11 application, as follows:

- 12
- 13 1. *Chapter 2 – Public Involvement:* The applicant held their public
14 meeting on February 18, 2003, there has been subsequent public
15 noticing from the City, and the applicant is here tonight for the
16 Public Hearing.
- 17 2. *Chapter 3 – Land Use Element:* This site is designated Corridor
18 on the Comprehensive Plan, and it is necessary to demonstrate
19 compliance with the Corridor regulations. Essentially two
20 objectives are met, specifically providing a mix of commercial
21 uses with pedestrian amenities through theater, retail, and
22 restaurant uses with a strong pedestrian connection between the
23 uses; and improving the appearance and the vitality of the
24 commercial areas.
- 25 3. *Chapter 6 – Transportation:* The two main objectives are
26 providing both a balanced system and an efficient system.
27 Approval of the Conditional Use will allow the connection
28 between the two main parking fields providing for shared
29 parking which allows people to reduce vehicular trips by taking
30 one trip to several uses. Therefore, this overall development is
31 not decreasing the efficiency of the system, and will also
32 encourage transit ridership.
- 33 4. *Site Can Accommodate This Proposal:* Through the approval
34 granted by the Board of Design Review on June 12, 2003, it was
35 determined that the scale of the building and relationship with
36 the mall is appropriate, and therefore the site is able to
37 accommodate this proposal as well as encourage the hours of
38 operation which supports this proposal.
- 39 5. *Proposal Does Not Impact Surrounding Development:* On June
40 12, 2003, the Board of Design Review determined that the site
41 and development are appropriate and do not impact surrounding
42 uses and development.
- 43 6. *Applications Submitted in Proper Sequence:* The Type 3 Design
44 Review application was approved by the Board of Design Review

1 on June 12, 2003; tonight's hearing involves approval of the
2 Conditional Use and Major Adjustment applications; approval
3 on the Lot Line Adjustment was received today; and the
4 approval is pending on the Loading Determination.
5

6 Concluding, Ms. Pyszka expressed her opinion that the applicant is in
7 compliance with the applicable approval criteria for a Conditional Use
8 and offered to respond to questions.
9

10 On question, Ms. Shotwell advised Commissioner Winter that the
11 restaurant developments approved in 1976 and 1980 for operations
12 until 2:30 a.m. had never been constructed.
13

14 Commissioner Johansen requested clarification that only a portion of
15 the mall is subject to the Conditional Use.
16

17 Mr. Perniconi clarified that the entire interior mall is subject to the
18 Conditional Use, including *GI Joe's*, and the north mall entrance
19 through the south mall entrance and the west mall entrance. He
20 pointed out that this involves the small shops and does not include any
21 of the big box developments, and explained that the *Barking Frog* is
22 basically the entertainment/food area.
23

24 Mr. Perniconi referred to the application for a Major Adjustment,
25 explaining that this involves ten approval criteria. He pointed out that
26 the building is essentially 38-feet in height, with architectural
27 elements and screening that reach a height of 46-feet. He mentioned
28 that special conditions exist that are unique to the land, structure, or
29 building involved, emphasizing that there are unique conditions
30 related to both the geometry of the site and the geotechnical condition
31 of the soil, adding that there are also unique characteristics related to
32 the use of the building as a theater. Observing that the technology
33 involved in the construction of a theater has evolved drastically, he
34 pointed out that this theater is a state of the art theater with a great
35 deal of articulation both in and around the building. He discussed
36 access issues, expressing his opinion that a lot of improvement has
37 been made to the pedestrian connectivity. Noting that some of the
38 major design review criteria has been met, he added that the applicant
39 is also providing a great deal of both vertical and horizontal
40 articulation in what he described as a really exciting building.
41

42 MARK FELDMAN, Principal with *Feldman LeBar Architects*,
43 expressed his personal opinion that it is time that Beaverton has a new
44 movie theater. Observing that he has patronized the theater across

1 the street, he explained that this proposal would provide an entirely
2 different experience. He noted that *Century Theaters* has created a
3 state-of-the-art theater that has revitalized the movie industry, he
4 emphasized that this provides the best presentation possible, including
5 many different aspects, such as the picture, the sound, the comfort, the
6 food selection, and lack of crowding.

7

8 Mr. Perniconi interjected that this would be the finest theater north of
9 San Francisco and south of Seattle.

10

11 Mr. Feldman provided illustrations of several other theaters created by
12 *Century Theaters*, observing that while the show starts at the
13 sidewalk, the lobby is extremely important. He described the spacious,
14 high ceilings, accent lighting, and luxurious materials, including
15 murals, drapery, and stone. He mentioned that the tickets are now
16 sold on the internet and can be conveniently printed out at home. He
17 discussed the stadium seating, noting that because accessibility is a
18 major issue, the ramp allows patrons to both enter and exit at zero,
19 which means that the entire auditorium is accessible.

20

21 Commissioner Johansen requested clarification with regard to what
22 distinguishes stadium seating from other seating.

23

24 Mr. Feldman explained that while standard seating involves slopes,
25 stadium seating includes a 14-inch tier to tier spacing, which means
26 that someone wearing a big hat would not block the view. He empha-
27 sized that it would be extremely difficult to drop this seating down into
28 the ground and still provide accessibility, adding that there are also
29 issues with the water and soils situations that exist in this area.

30

31 Commissioner Johansen referred to the pedestrian access, specifically
32 how the pedestrian path is distinguished separately from the driveway
33 and/or road.

34

35 Mr. Perniconi advised Commissioner Johansen that the pedestrian
36 access mostly involves sidewalks with street trees and grates, adding
37 that it had been difficult to provide access at *Winco Store* off of SW
38 Jenkins Road. He explained that they had developed a raised and
39 identified asphalt access coming from SW Jenkins Road.

40

41 Commissioner Voytilla expressed concern with security, specifically
42 vandalism to vehicles while the owners are patronizing the theater and
43 mall. He pointed out that a potential vandal is aware that anyone at
44 the theater would not be returning to his or her car for several hours.

1 Emphasizing that the lighting has all been updated, Mr. Perniconi
2 pointed out that the first line of defense is always best lighting that
3 can be provided. On question, he advised Commissioner Voytilla that
4 security patrol would also be provided.
5

6 Observing that any customer who feels insecure with regard to the
7 security of his vehicle would not return, Mr. Feldman explained that
8 *Century Theaters* would implement a program to assure patrons that
9 they and their vehicles are secure.
10

11 **PUBLIC TESTIMONY:**
12

13 No member of the public testified with regard to this proposal.
14

15 Ms. Shotwell indicated that she had no further comments with regard
16 to this proposal.
17

18 Assistant City Attorney Ted Naemura indicated that he had no
19 questions with regard to these applications.
20

21 The public portion of the Public Hearing was closed.
22

23 Observing that he has no concerns with regard to this proposal,
24 Commissioner Voytilla expressed his opinion that the applications
25 meet applicable approval criteria. Noting that he concurs with the
26 Staff Report, he pointed out that he is excited with the upcoming
27 completion of this portion of the mall, adding that this development
28 would be an asset to the community and that he would support a
29 motion for approval.
30

31 Commissioner Winter stated that he agrees with Commissioner
32 Voytilla's statements.
33

34 Commissioner Pogue stated that both applications meet applicable
35 approval criteria and that he would support a motion for approval. He
36 requested clarification with regard to Conditional Use Condition of
37 Approval No. 3, specifically if this pertains to only the interior portion
38 of the mall.
39

40 Senior Planner John Osterberg clarified that the entire mall, the other
41 stores, and freestanding structures described by the applicant are all
42 on Tax Lot 200, adding that the proposed theater building and small
43 retail building adjacent to the theater are on a separate tax lot. He
44 explained that it is necessary to add clarity in this Condition of

1 Approval or with the motion that this only involves the area of mall
2 described by the applicant.

3
4 Chairman Barnard pointed out that Condition of Approval No. 3 does
5 state the following:

6
7 "The extended hours of operation approved for the theater, retail
8 building, and interior mall are for operation between 10:00 p.m.
9 to 2:00 a.m., seven days a week."

10
11 Mr. Barnard noted that the question specifically involves how the
12 retail building and that portion of the interior mall is described.

13
14 Mr. Osterberg mentioned that the retail building is intended to mean
15 the new 6,000 square foot retail building, adding that this is on the
16 same lot as the theater.

17
18 Chairman Barnard pointed out that this building is also identified in
19 the first sentence of Condition of Approval No. 3 and questioned
20 whether this Condition of approval should be revised.

21
22 Mr. Osterberg noted that the retail building is actually the 6,000
23 square foot retail building, adding that it might be necessary to make
24 this clarification.

25
26 Commissioner Johansen expressed his support of both applications
27 associated with this proposal, adding that this is a good location for the
28 extended hours which are supported by the shared parking situation
29 and that this is a good opportunity to create a 24-hour city.

30
31 Commissioner Bliss concurred with the comments of his fellow
32 Commissioners, adding that both applications meet applicable
33 approval criteria. Observing that he would support a motion for
34 approval, he emphasized that he is anxious to bring this project to a
35 conclusion.

36
37 Chairman Barnard agreed with the statements of his fellow
38 Commissioners, adding that he is excited with the redevelopment and
39 would support a motion for approval.

40
41 Commissioner Johansen **MOVED** and Commissioner Voytilla
42 **SECONDED** a motion to **APPROVE** CU 2003-0006 – Cedar Hills
43 Crossing Movie Theater and Retail Building Hours of Operation
44 Conditional Use, based upon the testimony, reports and exhibits, and

new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated June 18, 2003, including Conditions of Approval Nos. 1 through 3, with an amendment to Condition of Approval No. 3, as follows:

3. The Conditional Use Permit granted shall be applicable to the Century Theater building, the adjacent freestanding 6,000 square foot retail building, and the interior portion of the existing Cedar Hills Crossing shopping center that connects the east parking lot to the theater and retail building, located on Washington County Assessor's Map 1S1-09DB, Tax Lots 200 and 300 and Assessor's Map 1S1-0900, Tax Lot 200. The extended hours of operation approved for the theater, **6,000 square foot** retail building, and interior mall are for operation between 10:00 pm. To 2:00 a.m., seven days a week.

Motion **CARRIED** by the following vote:

AYES: Johansen, Voytilla, Bliss, Pogue, Winter, and Barnard.
NAYS: None
ABSTAIN: None.
ABSENT: Maks.

Commissioner Johansen **MOVED** and Commissioner Voytilla **SECONDED** a motion to **APPROVE** ADJ 2003-0006 – Cedar Hills Crossing Movie Theater and Retail Building Height Adjustment, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated June 18, 2003, including Conditions of Approval Nos. 1 through 3.

Motion **CARRIED** by the following vote:

AYES: Johansen, Voytilla, Bliss, Pogue, Winter, and Barnard.
NAYS: None
ABSTAIN: None.
ABSENT: Maks.

8:06 p.m. – 8:16 p.m. – recess

8:16 p.m. – Ms. Shotwell left.

1 **D. HANSON ROAD ASR4 WATER WELL FACILITY**

2 **1. DR 2003-0055 – TYPE 3 DESIGN REVIEW**

3 **2. CU 2003-0010 – CONDITIONAL USE**

4 The applicant requests Design Review and Conditional
5 Use approval of an underground water well facility, which
6 includes the construction of a new approximately 1,125
7 square foot pump house building and associated fencing,
8 landscaping, and driveways. The design of the pump
9 house building, which replaces the existing home on site,
10 would be compatible in appearance with nearby homes.

11
12 Commissioners Voytilla, Winter, Johansen, Pogue, and Bliss and
13 Chairman Barnard all indicated that they had visited and/or were
14 familiar with the site and had no contact with any individual(s) with
15 regard to this proposal.

16
17 Mr. Osterberg presented the Staff Reports associated with this
18 proposal, briefly described the two applications associated with this
19 proposal, and provided a brief overview of the project. Concluding, he
20 recommended approval of both applications, including recommended
21 Conditions of Approval, and offered to respond to questions.

22
23 Commissioner Bliss questioned whether a grading permit has been
24 issued for the site.

25
26 Mr. Osterberg responded that he does not believe that the grading
27 permit has been issued for this use, adding that the grading that has
28 occurred on this site is associated with the Hanson Road Subdivision.

29
30 **APPLICANT:**

31
32 **LAURA JACKSON**, representing *W & H Pacific*, introduced Utilities
33 Engineer David Winship and Engineering Technician II Charlie Harri-
34 son of the City of Beaverton's Engineering Department and described
35 the request for a Conditional Use for the purpose of developing an ASR
36 Water Well and required covering structure associated with the
37 facility, including landscaping and fencing. She explained that the
38 applicant also requests Design Review to approve the exterior features
39 of the building, landscaping, and site plan. She discussed the purpose
40 of ASR, observing that it is a new tool utilized by the City of Beaverton
41 as an alternative means to increase the summertime water supply,
42 adding that the water is saved during times of abundance for
43 utilization when demand is high and the water is scarce. She
44 described several of the advantages of ASR, observing that each well

1 serves as a vast underground storage facility, capable of storing of up
2 to 150 million gallons of water during the high summer demand
3 period, adding that the cost of storing this commodity underground is
4 up to 100 times less expensive than creating an above-ground
5 structure. She pointed out that this facility also provides back-up
6 water during emergency situations, such as an interruption in the
7 water supply in the main transmission line.

8
9 Ms. Jackson discussed different issues that had been addressed at the
10 Neighborhood Meetings and design revisions that had resolved these
11 issues. She referred to the proposed Conditions of Approval primarily
12 associated with the Conditional Use application, specifically Condition
13 of Approval No. 3 pertaining to applicable DEQ noise standards, which
14 requires that within 60 days after the commencement of operation, the
15 applicant shall submit to the Planning Director a report that
16 establishes the applicable DEQ noise standards and the compliance of
17 the use to those standards. She made a correction to line 2 of
18 paragraph 4 of page 18 of the Staff Report, as follows: "ASR2 re-
19 design, and will specifically include the use of a single speed pump,
20 additional...", and discussed specifically how applicable DEQ noise
21 standards would be met. She expressed her opinion that since the
22 applicant is the City of Beaverton, this requirement is slightly
23 redundant due to the fact that the Building Department would most
24 likely be monitoring the noise at the site, adding that the Water
25 Department would be required to provide a Compliance Report.

26
27 DAVID WINSHIP, Utilities Engineer for the City of Beaverton,
28 discussed the noise level regulations and measurements, emphasizing
29 that these noise measurements are quite costly. He pointed out that
30 approximately \$20,000 has already been expended for the noise study
31 on the other site, and discussed grading issues, the demolition permit,
32 and the house that has been removed.

33
34 CHARLIE HARRISON, Engineering Technician II for the City of
35 Beaverton, discussed the proposed grading plan from the subdivision,
36 which had occurred back in February 2003, and described the existing
37 conditions, observing that although the developer had left more dirt
38 behind than indicated in the grading plan, staff had decided to just
39 deal with this.

40
41 Commissioner Johansen questioned whether the technology with
42 regard to the noise generating facilities for ASR2 is the same as for
43 ASR4.
44

1 Observing that the motor for both facilities is 250 horsepower, Mr.
2 Winship pointed out that the motor on the pump for ASR2 is a variable
3 speed, adding that it can spin at any speed and it is possible to control
4 the amount of gallons per minute that it pumps, from zero to 14
5 gallons per minute, for a daily total of 2 million gallons of water. He
6 explained that staff had informed the neighborhood that they would
7 abandon the idea of a variable speed pump on ASR4, adding that they
8 would agree to a single speed pump that produces significantly less
9 noise.

10
11 Commissioner Johansen noted that a single speed pump generates a
12 constant noise, adding that a variable speed pump would generate
13 more noise at certain times.

14
15 Mr. Winship advised Commissioner Johansen that the variable speed
16 pump would generate more noise at certain speeds, emphasizing that
17 this involves a certain range that is not necessarily at the highest
18 pumping speed. He noted that because staff is not anticipating the
19 type of noise generated by ASR2 and it is not necessary to provide the
20 same types of mitigation, they are proposing double doors on virtually
21 every location.

22
23 Commissioner Johansen requested clarification with regard to the
24 location of the homes near ASR4 in comparison to those homes located
25 near ASR2.

26
27 Mr. Winship advised Commissioner Johansen that while the existing
28 homes are located further from ASR4 than those located near ASR2,
29 one of the homes under construction would be located very close to
30 ASR4.

31
32 Commissioner Johansen expressed his concern with potentially not
33 meeting DEQ's noise standards due to the cost of the testing.

34
35 Mr. Winship advised Commissioner Johansen that it would be very
36 costly to require an entirely new contract for the purpose of providing
37 noise monitoring, emphasizing that the DEQ standards have already
38 been achieved on other site and that staff intends to meet the same
39 noise requirements on this site.

40
41 Observing that cost is not an issue with regard to criteria,
42 Commissioner Voytilla stated that while he appreciates staff's
43 concerns, sound monitoring is one test that is commonly requested,

1 emphasizing that there is an obligation to address any potential
2 impact to the neighbors.

3
4 Expressing her opinion that we are comparing apples to bananas, Ms.
5 Jackson pointed out that a great deal has been learned from the
6 experiences and mistakes on ASR2, with regard to both the type of
7 motor and type of construction.

8
9 Emphasizing the importance of making certain that this proposal does
10 not become yet another learning experience, Commissioner Voytilla
11 questioned whether the consultant is addressing and specifically
12 designing with regard to this DEQ standard.

13
14 Mr. Winship advised Commissioner Voytilla that the increased
15 mitigation with regard to noise is included in the scope of the contract
16 and assured him that staff is confident with their ability to meet the
17 requirements.

18
19 Observing that there appears to be a focus on the DEQ standard,
20 Commissioner Winter requested clarification with regard to the
21 narrow band range that exceeds the DEQ decibel standards.

22
23 Ms. Jackson explained that this involves a frequency band that was
24 contributing, noting that one of the neighbors had referred to it as a
25 *whee* sound. She pointed out that the study involves a composite noise
26 level, including readings with different frequencies of sound from high
27 range to low range, adding that those that exceed the DEQ decibel
28 levels were the sounds within a certain frequency that is specific to
29 that particular type of motor.

30
31 Commissioner Winter questioned whether compliance with the DEQ
32 standards would assure that the neighborhood would be peaceful and
33 quiet or whether there would still be complaints.

34
35 Mr. Winship responded that there are two homes located
36 approximately 30 feet from ASR2, observing that this facility actually
37 has louvered fencing that opens directly to the open air. He pointed
38 out that sound mitigation has reduced this noise to the level where no
39 complaints are generated.

40
41 Commissioner Winter referred to a Greenfield house that meets the
42 DEQ standards and questioned whether staff is comfortable that these
43 standards are sufficient to keep the neighbors from complaining.
44

1 Observing that staff's goal is to exceed DEQ standards, Mr. Winship
2 pointed out that it is necessary to get along with the neighbors and
3 that if the facility is built and the neighbors complain, the issue will
4 have to be addressed.

5

6 Ms. Jackson explained that the basic requirement for a Conditional
7 Use provides that the proposed use should not impact a neighborhood
8 any more than a use that would be allowed outright. She noted that
9 although the individuals in these existing homes are accustomed to
10 living next to vacant land, the allowed use would permit up to nine
11 homes on this property, adding that this could mean up to 30 people
12 living in this area. She expressed her opinion that the proposal would
13 create less impact than two single-family homes.

14

15 Chairman Barnard questioned whether there is an opinion with regard
16 to why staff is recommending compliance in the Staff Report.

17

18 Mr. Winship stated that he has not had a conversation with staff with
19 regard to this issue and has no opinion on this recommendation.

20

21 Commissioner Bliss emphasized that all requirements are applicable,
22 whether the City of Beaverton or a private developer is the applicant,
23 expressing his opinion that this situation should not be considered a
24 hardship. He pointed out that the City should be required to meet the
25 applicable testing requirements, adding that this requirement is
26 appropriate, rather than onerous.

27

28 Commissioner Voytilla requested clarification with regard to
29 maintenance procedures.

30

31 Mr. Winship advised Commissioner Voytilla that this facility would
32 serve as the base of operation, adding that it would operate and draw
33 water from the dams almost continuously from June 1 into November.

34

35 Commissioner Voytilla informed Mr. Winship that it would be
36 necessary to provide a sound study or documentation to back up his
37 information with regard to noise. He requested a description of the
38 exterior elements of the house.

39

40 Mr. Harrison explained that the proposed house includes a gabled
41 vent, adding that staff had worked close with the developer of the
42 subdivision to make this structure blend in with the development. He
43 provided an illustration, observing that cooling with air is being
44 considered at this time. He pointed out that while the design would

1 not be completed until approval for the project has been received, staff
2 intends to utilize what he referred to as a "roof hatch", which provides
3 access to pull the well pump out of the ground for maintenance. He
4 mentioned that although the windows serve to create a residential
5 appearance, they also allow the maintenance crew the opportunity to
6 utilize hand signals while pulling the pump out.

7
8 On question, Mr. Winship advised Commissioner Voytilla that blinds
9 would also be installed to create a residential appearance, adding that
10 the residence is obviously a façade since the structure functions as a
11 pump station.

12
13 Ms. Jackson explained that the neighborhood was less concerned with
14 the size of the building and more excited about the size of the green
15 space.

16
17 Commissioner Pogue requested clarification with regard to a potential
18 completion date and also when the facility would begin operating.

19
20 Mr. Winship noted that while no firm date has been established, it is
21 anticipated that construction would begin any time from late spring to
22 mid-summer, adding that the facility would become operational within
23 four to six months. He pointed out that if the project is completed
24 during the winter, operations would not begin until necessary during
25 the summer months.

26
27 Commissioner Pogue mentioned that it would be necessary to coordin-
28 ate the 60-day testing period with the actual operation of the facility.
29 He questioned how enforcement of noise levels would be achieved.

30
31 Observing that the noise levels are not actually policed, Mr. Winship
32 emphasized that there have been no complaints from the home located
33 only 20 feet from the ASR2 facility, adding that the equipment is very
34 quiet.

35
36 Commissioner Pogue pointed out that while his car runs quietly at this
37 time, it would be noisy if the muffler fell off, and questioned what kind
38 of assurance there is that something similar would not occur.

39
40 Mr. Winship explained that staff does not feel it is sufficient to provide
41 a meter to be utilized by the police, emphasizing that the clear test is
42 the neighbors, and if they are not happy, the situation needs to be
43 addressed.

1 Ms. Jackson pointed out that while she lives fairly far from PDX and
2 can hear the 767's take off, she has no valid issue with this situation
3 because it is not above certain standard. She emphasized that staff
4 would be visiting the site two or three times a day, adding that if they
5 hear any noise, they will be taking action to address the situation.

6
7 Commissioner Winter expressed concern with utilizing DEQ noise
8 standards as the Holy Grail, but the neighbors are still irritated, we
9 have missed the target.

10
11 Mr. Winship agreed, noting that one of the closest neighbors is very
12 concerned with the potential for vibration.

13
14 Chairman Barnard questioned whether there is any chance that at
15 some point, the City of Beaverton would tell the neighbors: "We meet
16 the standard and that is the best we can do."

17
18 Mr. Winship advised Chairman Barnard that staff had not taken this
19 approach with regard to ASR2, adding that every effort had been made
20 to reduce the noise level to a point where the neighbors were satisfied.

21
22 Chairman Barnard expressed his opinion that staff has indicated that
23 they would take action to address any complaint, whether it is
24 reasonable or not.

25
26 Mr. Winship noted that any action taken would be within reason.

27
28 Chairman Barnard requested clarification with regard to the term
29 reasonable, and specifically whether Mr. Winship is referencing DEQ
30 standards.

31
32 Observing that it is first necessary to meet legal and DEQ standards,
33 Mr. Winship noted that if staff is able to document that they have
34 exceeded DEQ standards and the majority of the neighbors are still not
35 satisfied, it would become necessary to take additional action. He
36 assured Chairman Barnard that appropriate and necessary action
37 would be taken, adding that there is every expectation that staff would
38 be able to create a facility that would be tolerated by the neighbors.

39
40 Chairman Barnard explained that any applicant is required to provide
41 documentation with regard to noise levels and buffering, adding that
42 Mr. Winship might wish to consider a continuance in order to provide
43 these materials.

44

1 Commissioner Bliss referred to the applicant's submittal, specifically
2 page 3 of the Neighborhood Meeting Minutes of June 6, 2002,
3 observing that the pumps would be operating continuously, 24 hours
4 per day seven days per week, during the summer months. He pointed
5 out that while this reference indicated the months of June, July, and
6 August, Mr. Winship had made a statement with regard to turning off
7 the pumps in October, adding that there is a difference between
8 operations lasting three months and those potentially lasting four
9 months or longer. He expressed his opinion that this is a greater
10 concern than the noise issue, and discussed other issues with regard to
11 potential misrepresentations of the site plan and grading violations.

12
13 Mr. Winship questioned whether Commissioner Bliss is concerned with
14 potentially trespassing onto other properties.

15
16 Commissioner Bliss advised Mr. Winship that while they would not be
17 trespassing, he is concerned that they are not meeting code,
18 specifically by grading right up to the property line. He emphasized
19 that there should be a level playing field with regard to requirements,
20 whether the applicant is the City of Beaverton or a private developer.

21
22 Mr. Winship suggested that grading up to the property line is
23 necessary in order to meet the elevation of the adjoining property.

24
25 Mr. Harrison requested clarification with regard to where in the
26 Development Code it states that it is not allowed to grade up to the
27 property line, adding that this has occurred in past applications.

28
29 Pointing out that grading is an issue for staff to address, Chairman
30 Barnard observed that this does not involve an issue for this decision-
31 making body, noting that this is not their area of expertise.

32
33 **PUBLIC TESTIMONY:**

34
35 **GREG OAKES**, mentioned that his property is located south of the
36 site, adding that his only comment is that staff has accomplished a
37 great deal in terms of the exterior landscaping, etc. He expressed his
38 opinion that this is very positive, adding that he anticipates that the
39 City of Beaverton would be a good neighbor. He noted that he would
40 encourage the establishment and monitoring of an objective level for
41 decibels, based upon an objective standard. He pointed out that if the
42 City does not monitor this situation independently, none will be done,
43 and there will be no chance to go back and review the situation.

1 Chairman Barnard observed that the applicant provided no rebuttal to
2 public testimony.

3
4 Mr. Osterberg offered his final comments, adding that he would like to
5 provide some clarification with regard to Commissioner Bliss' comment
6 that grading is not allowed up to the property line, adding that while
7 this may be in the Development Code, he is not familiar with regard to
8 where this restriction is found, although it might be found in the
9 Building Code or the Site Development Code. Referring to page 18 of
10 the Conditional Use Staff Report, he noted that the statement with
11 regard to the City of Beaverton performing periodic noise monitoring of
12 the ASR4 had been included due to his misunderstanding with regard
13 to how the problems with regard to ASR2 had been discovered.
14 Concluding, he offered to respond to final questions.

15
16 Chairman Barnard questioned whether testimony that had been
17 provided makes any difference with regard to staff's final opinion and
18 recommendation with regard to Condition of Approval No. 3.

19
20 Mr. Osterberg advised Chairman Barnard that staff's final opinion and
21 recommendation with regard to Condition of Approval No. 3 has not
22 changed, adding that while staff has full confidence in the commitment
23 and ability of the Engineering Department to make certain that the
24 noise issues are addressed adequately and appropriately, Condition of
25 Approval No. 3 is still necessary.

26
27 Mr. Naemura indicated that he had no comments with regard to this
28 proposal.

29
30 The public portion of the Public Hearing was closed.

31
32 Commissioner Winter stated that he would be willing to support a
33 motion of approval, adding that it would be necessary to make
34 revisions to Condition of Approval No. 3, specifically that the noise
35 monitoring should occur within 60 days after commencement of
36 operation, rather than completion of the facility.

37
38 Commissioner Pogue pointed out that he has concerns with regard to
39 the potential for enforcement of Condition of Approval No. 3,
40 emphasizing that this should involve a mechanism beyond a raised
41 awareness at a staff level. He concurred with Commissioner Bliss'
42 comments with regard to accountability whether the applicant is the
43 City of Beaverton or a private developer, adding that there should be
44 no impact upon the livability of the neighborhood.

1 Commissioner Bliss pointed out that these facilities are necessary for
2 the welfare of the community, noting that this affects both the
3 availability and cost of water. Expressing his appreciation of the
4 attributes of Mr. Winship, he emphasized that while he is both well-
5 meaning and trustworthy, there is no guarantee that he will be here in
6 the future to follow through with his commitment. Noting that the
7 proposal meets applicable approval criteria, he expressed his support
8 of both applications.
9

10 Commissioner Voytilla noted that Criterion 5 has not been achieved,
11 adding that he is concerned with the potential impact to the neighbors,
12 and suggested that the applicant might consider requesting a
13 continuance in order to provide appropriate documentation with regard
14 to noise levels.
15

16 Expressing his opinion that this is a good project and serves some
17 important functions, Commissioner Johansen discussed Condition of
18 Approval No. 3, observing that he has two specific concerns with
19 regard to noise, specifically appropriate measurement of noise levels
20 and ongoing compliance. Concluding, he stated that he supports both
21 applications, as proposed, including the revisions that had been
22 discussed.
23

24 Chairman Barnard mentioned that he agrees with Commissioner
25 Johansen's statements, adding that it is clearly stipulated that the
26 facility would meet applicable DEQ standards. He concurred that the
27 noise monitoring should occur within 60 days of start of pumping
28 season, adding that he would support a motion for approval.
29

30 Commissioner Pogue emphasized that his comments are in no way
31 intended to criticize the intentions and testimony of the applicant.
32

33 Chairman Barnard expressed his opinion that the applicant had
34 appropriately illustrated through ASR2 how issues at ASR4 would be
35 addressed.
36

37 Commissioner Johansen **MOVED** to **APPROVE** CU 2003-0055 –
38 Hanson Road ASR4 Water Well Facility Conditional Use, based upon
39 the testimony, reports and exhibits, and new evidence presented
40 during the Public Hearings on the matter, and upon the background
41 facts, findings and conclusions found in the Staff Report dated June 18,
42 2003, including Conditions of Approval Nos. 1 through 3, with a
43 clarification to Condition of Approval No. 3 to be made by staff and
44 brought back in form of Land Use Order, as follows:

- 1 3. The use shall meet applicable DEQ noise standards. Within 60
2 days after ~~commencement of operation~~ **use of the well pump**
3 **motor, at the time when the facility commences use in 'stored**
4 **water withdrawal (recovery) mode'**, the applicant shall submit to
5 the Planning Director a report that establishes the applicable DEQ
6 noise standards and the compliance of the use to those standards.

7
8 Commissioner Voytilla noted that it is necessary to make certain that
9 the facility meets applicable DEQ standards, observing that this
10 standard should be defined and verified.

11
12 Commissioner Johansen pointed out that this is included within his
13 motion.

14
15 Commissioner Bliss explained that the applicant's submittal
16 specifically indicates that DEQ's criteria is 10 DB over nighttime
17 ambient noise, which was tested at 33 DB.

18
19 On question, Commissioner Johansen explained that the intent of the
20 motion is to require that the applicant shall meet applicable DEQ noise
21 standards.

22
23 Commissioner Bliss **SECONDED** the motion.

24
25 Motion **CARRIED** by the following vote:

26
27 **AYES:** Johansen, Bliss, Voytilla, Winter, and Barnard.
28 **NAYS:** Pogue.
29 **ABSTAIN:** None.
30 **ABSENT:** Maks.

31
32 Commissioner Johansen **MOVED** to and Commissioner Bliss
33 **SECONDED** a motion to **APPROVE** DR 2003-0055 – Hanson Road
34 ASR4 Water Well Facility Design Review, based upon the testimony,
35 reports and exhibits, and new evidence presented during the Public
36 Hearings on the matter, and upon the background facts, findings and
37 conclusions found in the Staff Report dated June 18, 2003, including
38 Conditions of Approval Nos. 1 through 15.

39
40 Motion **CARRIED** by the following vote:

41
42 **AYES:** Johansen, Bliss, Pogue, Voytilla, Winter, and Barnard.
43 **NAYS:** None.
44 **ABSTAIN:** None.
45 **ABSENT:** Maks.

1 **APPROVAL OF MINUTES:**

2
3 Minutes of the meeting of June 4, 2003, submitted. Commissioner
4 Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion
5 that the minutes be approved as written.

6
7 Motion **CARRIED**, unanimously, with the exception of Commissioner
8 Bliss, who abstained from voting on this issue.

9
10 Minutes of the meeting of June 11, 2003, submitted. Commissioner
11 Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion
12 that the minutes be approved as written.

13
14 Motion **CARRIED**, unanimously, with the exception of Commissioners
15 Bliss and Pogue, who abstained from voting on this issue.

16
17 **MISCELLANEOUS BUSINESS:**

18
19 The meeting adjourned at 10:13 p.m.